

Don't Star has a
copy of this -

HCL



May 5, 1972

Mr. Hubert Lambert
Utah State Engineer
State Capitol Building
Salt Lake City, Utah 84114

Dear Mr. Lambert:

I am writing this letter as the result of action taken by the Sevier River Water Users Association at a meeting held in Richfield, Utah on April 26, 1972. At such meeting a discussion was had concerning a request made by employees of the Central Utah Water Conservancy District (hereinafter in this letter referred to as the District) that they be furnished with records showing the name of each user diverting water in the Sevier River Basin and records showing the amount of water diverted annually by each such user. In addition, the District desires to know the place and time of each such diversion. The District believes that such information is vital to a proper allocation and distribution of any water made available to the Sevier River Basin by reason of the Central Utah Project. During the discussion, it was pointed out by those present that there are a number of users of water in the Sevier River Basin who do not maintain any measuring devices and who keep no annual record of the amount of water diverted. Accordingly, these rights do not appear on the assessment rolls maintained by your office and therefore do not pay any of the administrative charges incurred in administering the water of the Sevier River Basin. The facts brought out at the meeting are important for two reasons. First, it is obviously impossible to ascertain the effect on any particular water right of the application of additional water in areas upstream from such right unless there is an annual record of the time, place and amount of past use. Second, it is not equitable to allow some users along the river to escape administration and to escape payment of their share of the costs of administration. It should also be pointed out that these same users may be jeopardizing their own water rights by not having a record of past use.

Pursuant to instructions received at the meeting referred to, we request that you take whatever action is necessary to cause measuring devices to be installed on all of the diversions in the Sevier River Basin and further request that all those having rights to divert water in the Sevier River Basin have the amount of such rights included as a part of the water diversion records on which assessments for the maintenance and operation of the river are made.

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We readily understand that it will be necessary for you or members of your staff to consult with the Sevier River Commissioners and others having information as to the extent of the problem and particular instances

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where no records are being kept and where no measuring devices have been installed. However, we do request that you treat this as an urgent matter and comply with the request at the earliest possible date.

In connection with this request, we respectfully call your attention to the provision appearing on Pages 230 and 231 of the printed copy of the Cox Decree which, in substance, requires each of the parties named in the Decree to construct weirs or other measuring devices of a design approved by the State Engineer of Utah under the direction and supervision of the commission or commissioners appointed by him, and further requires that such measuring devices be maintained in the respective canals and ditches of the users for the purpose of accurately measuring the quantity of water decreed to such users. In addition, your attention is called to 73-5-4- Utah Code Annotated, 1953, which also requires every person using water in Utah to construct and maintain a measuring device at each point where water is diverted to turned out, etc. As you know, the statutory provision referred to also provides an appropriate remedy in the event the user fails or refuses to comply with the statutory directive.


We further request that you acknowledge receipt of this letter and do us the courtesy of furnishing us with the procedure and timetable which you propose to use in complying with this request.

The officers and directors of the Sevier River Water Users Association stand ready to cooperate with you and your staff in accomplishing the objectives referred to in this letter.

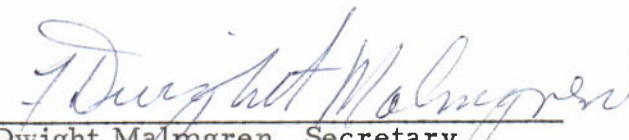
Sincerely,

SEVIER RIVER WATER USERS ASSOC.

By


Homer U. Peterson, President

By


Dwight Malmgren, Secretary

MEMO TO HUBERT

I have reviewed the attached letter from the Sevier River Water User's Association and it seems to me that you are going to have to take some action to resolve this problem. As you know, it seems to keep re-occurring every year or so and since you do not have an adequate staff to undertake a comprehensive program as suggested in the letter it seems to me that some measures should be initiated to alleviate this problem. I would suggest that perhaps you and I meet with Don and Stan and review it in some detail and outline a program which you believe would be fairly realistic in producing some sort of inventory of measuring devices and control structures. I realize that neither Don nor Stan have the time to do it, but it might be possible to detail someone else to accomplish this under their direction. Further, I see no reason not to take the Association up on their offer to furnish you with information in this regard. Also, since the Central Utah Water Conservancy District is involved, they may be willing to give some help on such a program.

I think that once we have information which we feel is accurate, we could request Judge Erickson's assistance in requiring the installation of the necessary devices. Perhaps something similar to the way Judge Harding ordered devices on the Duchesne River. In any event, this is my initial reaction to the letter and I think it would be worthwhile for us to discuss it.

cc: Don
Stan

A handwritten signature in dark ink, appearing to be 'D. J.' or similar, located at the bottom right of the page.